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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

2006 DEC 13 A 11:48

Arizona Corporation Commission

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DEC 13 2006

JEFF HATCH-MILLER, Chairman

WILLIAM MUNDELL

MIKE GLEASON

KRISTIN K. MAYES

BARRY WONG

AZ CORP COMMISSION
DOCUMENT CONTROL

DOCKETED BY

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IN THE MATTER OF THE APPLICATION OF
SPANISH TRAIL WATER COMPANY AND
SAGUARO WATER CO. TO MODIFY THEIR
EXISTING CERTIFICATES OF CONVENIENCE
AND NECESSITY.

DOCKET NO. W-01816A-06-0177
DOCKET NO. W-01790A-06-0177

PROCEDURAL ORDER

BY THE COMMISSION:

On March 17, 2006, Spanish Trail Water Company ("Spanish Trail") and Saguaro Water Company ("Saguaro") (collectively "Companies" or "Applicants") filed a joint application to transfer a portion of Saguaro's Certificate of Convenience and Necessity ("CC&N" or "Certificate") to Spanish Trail.

On April 12, 2006, Commission Utility Division Staff ("Staff") notified the Applicants that the Application was not sufficient under the requirements of the Arizona Administrative Code.

On May 26, 2006, the Companies filed a Response to the Insufficiency Letter, providing answers to Staff's request for additional information.

On June 20, 2006, Staff sent a Second Notice of Insufficiency.

On September 14, 2006, Applicants filed a Response to Staff's Second Letter of Insufficiency.

On October 12, 2006, Staff notified the Applicants that the Application is sufficient.

On December 5, 2006, the Applicants agreed to extend the timeclock deadline by seventy-five days.

Accordingly, pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the **hearing** in the above-captioned matter shall be held on **March 6, 2007, at 10:00 a.m.** or as soon thereafter as is practical, at the Commission's offices, **Room 222**, 400 West Congress St., Tucson, Arizona 85701.

IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-105, except that all motions to intervene must be filed on or before **February 16, 2007**.

IT IS FURTHER ORDERED that Applicants shall serve public notice of the hearing in this matter, in the following form and style:

**PUBLIC NOTICE OF HEARING ON THE
APPLICATION TO TRANSFER A PORTION OF
THE CERTIFICATE OF CONVENIENCE AND NECESSITY
OF SAGUARO WATER COMPANY
TO SPANISH TRAIL WATER COMPANY
Docket No. W-01816A-06-0177
Docket No. W-01790A-06-0177**

On March 17, 2006, Spanish Trail Water Company ("Spanish Trail") and Saguaro Water Company ("Saguaro") (collectively "Companies" or "Applicants") filed a joint application to transfer a portion of Saguaro's Certificate of Convenience and Necessity ("CC&N" or "Certificate") to Spanish Trail. The proposed transfer area is currently undeveloped. If the Application is granted Spanish Trail, instead of Saguaro, will be the exclusive provider of water service in the 69 acre parcel proposed to be transferred, and will be required by the Commission to provide service under rates and charges and terms and conditions established by the Commission. The Application is available for inspection during regular business hours at the offices of the Commission in Phoenix, at 1200 West Washington Street, Phoenix, Arizona, in Tucson, at 400 West Congress St. Suite 218, Tucson, Arizona or on the Commission's website, azcc.gov, by using the eDocket link, as well as at the offices of the Applicants, [APPLICANT INSERT ADDRESS].

The Commission will hold a hearing on this matter beginning **March 6, 2007, at 10:00 a.m.**, at the Commission's offices, Room 222, 400 West Congress Street, Tucson, Arizona. Public comment will be taken at the beginning of the hearing.

The law provides for an open public hearing at which, under appropriate circumstances, interested persons may intervene in the proceedings and participate as a party. You may have the right to intervene in the proceeding. Intervention will be in accordance with A.A.C. R14-3-105, except that all motions to intervene must be filed on or before **February 16, 2007**. Persons desiring to intervene must file a written motion to intervene with the Commission and send such motion to Applicants or their counsel and to all parties of record. The motion must, at the minimum, contain the following:

1. The name, address, and telephone number of the proposed intervenor and of any party upon whom service of documents is to be made if different from that of the intervenor.

2. A short statement of the proposed intervenor's interest in the proceeding (e.g., a customer or potential customer of the Applicant, a shareholder of the Applicant, etc.).
3. A statement certifying that a copy of the motion to intervene has been mailed to the Applicant or its counsel and to all parties of record in the case.

The granting of intervention, among other things, entitles a party to present sworn evidence at the hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any interested person or entity from appearing at the hearing and providing public comment on the applications. You will not receive any further notice of this proceeding unless you request it. Comments may also be made by writing to the Commission in care of Docket Control, 1200 W. Washington, Phoenix, Arizona 85007. All correspondence should contain the Docket Nos. W-02017A-06-0410 and W-20435-06-0411.

If you have any questions about this application, you may contact the Applicant at **[insert telephone number]**. If you want further information on intervention or have questions on how to file comments, you may contact the Consumer Services Section of the Commission at 1200 West Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000.

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting Linda Hogan, ADA Coordinator, voice phone number 602/542-3931, E-mail LHogan@cc.state.az.us. Requests should be made as early as possible to allow time to arrange the accommodation.

IT IS FURTHER ORDERED that Applicants shall mail to their customers and each property owner in the area proposed to be transferred a copy of this notice by first-class U.S. Mail, to begin as soon as possible and to be completed on or before January 24, 2007.

IT IS FURTHER ORDERED that Applicants shall file certification of mailing as soon as practicable after the mailing has been completed.

IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing, notwithstanding the failure of an individual customer or property owner to read or receive the notice.

IT IS FURTHER ORDERED that Staff shall file its **Staff Report** and associated exhibits to be presented at the hearing on or before **January 31, 2007**.

IT IS FURTHER ORDERED that **any objection or response** by the Applicant to the Staff Report shall be made in writing and filed on or before **February 16, 2007**.

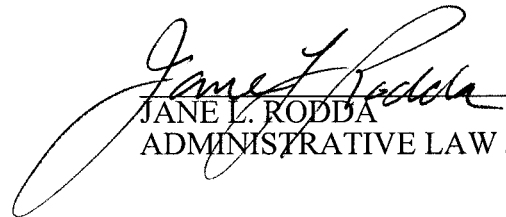
IT IS FURTHER ORDERED that by the consent of the Applicant's the **timeclock deadline** for a final order in this matter is **extended** until **May 25, 2007**.

1 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
2 Communications) applies to this proceeding and shall remain in effect until the Commission's
3 Decision in this matter is final and non-appealable.

4 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended
5 pursuant to Rule 6(a) or (e) of the Rules of Civil Procedure.

6 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive
7 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

8 DATED this 12th day of December, 2006.

9
10 
11 JANE L. RODDA
12 ADMINISTRATIVE LAW JUDGE

13 Copies of the foregoing mailed
14 this 12th day of December, 2006 to:

15 Michael F. McNulty
16 Lewis and Roca, LLP
17 One South Church Avenue, Suite 700
Tucson, Arizona 85701-1611

18 Spanish Trial Water Company
19 Camp Lowell Corporate Center
4572 East Camp Lowell Crive
Tucson, Arizona 85712

20 Saguaro Water Company
21 Camp Lowell Corporate Center
4572 East Camp Lowell Crive
22 Tucson, Arizona 85712

23 Mr. Christopher Kempley, Chief Counsel
Legal Division
24 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
25 Phoenix, Arizona 85007

26 Mr. Ernest Johnson, Director
Utilities Division
27 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
28 Phoenix, Arizona 85007

1 ARIZONA REPORTING SERVICE, INC.
2 2627 N. Third Street, Suite Three
3 Phoenix, Arizona 85004-1104

4 By:


Juanita Gomez

5 Secretary to Jane L. Rodda
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